



Old Attorney Docket No. MJA-27202/03
New Attorney Docket No. HTEC-014/01US

PATENT

Express Mail Label Number: EL 838722747 US

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By: Deborah Hager

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ross, et al.

Serial No.: 10/631,304

Examiner: [Not Assigned]

Confirmation No.: 3744

Art Unit: 3736

Filed: July 31, 2003

For: **RESPIRATORY ANALYZER FOR EXERCISE USE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REVOCATION AND NEW POWER BY ASSIGNEE AND STATEMENT UNDER 37 C.F.R. §3.73(b)

The Assignee of the entire right, title, and interest in the above-identified application hereby revokes all previously granted powers and grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

- An assignment document, a copy of which is enclosed herewith;
- An assignment previously recorded on _____, in the U.S. Patent and Trademark Office at Reel _____, Frame _____.

Please direct all telephone calls and correspondence to:

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The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 3/26/04

Signature: Edwin M. Pearce
Name: Edwin Pearce
Title: Vice President - Operations
Company: HealtheTech, Inc.